

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN DEBBY BARRETT**, on January 15, 2003 at 8 A.M., in Room 455 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Debby Barrett, Chairman (R)  
Rep. Dee Brown, Vice Chairman (R)  
Rep. Norman Ballantyne (D)  
Rep. Arlene Becker (D)  
Rep. Sue Dickenson (D)  
Rep. Carol Gibson (D)  
Rep. Daniel S. Hurwitz (R)  
Rep. Hal Jacobson (D)  
Rep. Larry Lehman (R)  
Rep. Ralph Lenhart (D)  
Rep. Alan Olson (R)  
Rep. Bernie Olson (R)  
Rep. Frank Smith (D)  
Rep. Pat Wagman (R)  
Rep. Cindy Younkin (R)

**Members Excused:** Rep. Larry Jent, Vice Chairman (D)  
Rep. Don Roberts (R)  
Rep. Clarice Schrumpf (R)

**Members Absent:** Rep. Jonathan Windy Boy (D)

**Staff Present:** Sheri Heffelfinger, Legislative Branch  
Joan Reiman, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 69, 1/6/2003; HB 108, 12/30/2002; HB 198, 12/30/2002  
Executive Action: HB 69 DO PASS; HB 108 DO PASS

**HEARING ON HB 198****Opening Statement by Sponsor:**

**REP. CAROL LAMBERT, HAMMOND**, stated the bill should be a matter of housekeeping to clarify ballot language. She said many laws would not have been put on the ballot if a vote of Yes meant yes and a vote of No meant no. As an example, she cited the recent Seat Belt Law. She said people have become suspicious (of the ballot language) and they won't vote and that legislators owe them to be honest.

*{Tape: 1; Side: A; Approx. Time Counter: 1.9 - 3.8}*

**Proponents' Testimony:**

**Patrick Judge, Montana Environmental Information Center**, testified he is in favor of the bill. He said his office is a proponent of the initiative process, and this bill assures a high level of voter confidence; on IR-117 there was confusion in the language.

*{Tape: 1; Side: A; Approx. Time Counter: 3.8 - 5.3}*

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**REP. ALAN OLSON** asked **Sherri Heffelfinger, Legislative Aide** to clarify if it will clean up language on voter referendums. **Ms. Heffelfinger** answered that if a bill is to repeal an action, then a For means for the repeal and against the action, and Against means to leave the original law the way it is. **REP. OLSON** asked **Alan Miller, Election Specialist, Secretary of State**, who said that other sections of the law may also need to be cleaned up. **REP. OLSON** asked if that would take additional statutory changes. **Mr. Miller** replied that may be. **REP. OLSON** then asked if Miller would be willing to work with **REP. LAMBERT** on an amendment, and noted confusion especially with referendum language. **Mr. Miller** replied that he would help. **REP. LARRY LEHMAN** asked if items besides initiatives and referendums such as constitutional initiatives, fall under this bill. **Sherri Heffelfinger** was not sure how Montana Codes Annotated (MCA) defined "ballot issue". She said she believed it does covers all of those. **REP. NORMAN BALLANTYNE** asked to see how the language would be changed. **CHAIRMAN BARRETT** replied that's what **REP. OLSON** is trying to get. **CHAIRMAN BARRETT** asked the **sponsor** if she worked

with the Attorney General or Secretary of State on this. **REP. LAMBERT** replied she worked with Greg Petesch, Legislative Services Division, who is "very competent. The intent of the bill was to word any ballot measure so that Yes means For and No means Against something.

*{Tape: 1; Side: A; Approx. Time Counter: 5.3 - 13.9}*

**Closing by Sponsor:**

**REP. LAMBERT** closed saying they owe this to the people of Montana, so they don't have to take their lawyer with them to the ballot booth.

*{Tape: 1; Side: A; Approx. Time Counter: 13.9 - 14.3}*

**HEARING ON HB 69**

**Opening Statement by Sponsor:**

**REP. FRANK SMITH, POPLAR**, drafted this bill by request of the Secretary of State. He said it revises laws relating to notary public processes and forms and is one of the simplest bills he's seen, a "matter of housecleaning." It gives applicants for the office of notary 30 days to finish their application procedure, it requires the notary write in their town of residence, and amends the Montana Code Annotated.

*{Tape: 1; Side: A; Approx. Time Counter: 14.7 - 17.2}*

**Proponents' Testimony:**

**Ms. Janice Doggett, Chief Legal Counsel, Secretary of State's office**, testified that the bill allows for a 30 day grace period upon expiration of notary license, similar to the grace period for driver's license. The bill state they must identify their town because notaries often merely write in their county, or unnecessarily write the state when we know they are all Montana. And the bill puts onto the application form the statutory requirement to clearly identify the town.

*{Tape: 1; Side: A; Approx. Time Counter: 17.2 - 18.4}*

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**REP. LARRY LEHMAN** asked how they could handle the residence question for unincorporated locations such as Power. A lot of locations on Montana maps only have a post office, he said. Ms. Doggett relied that if the mailing address is a post office box, that would do. **REP. CINDY YOUNKIN** said the name is printed on their stamp anyway. **Ms. Doggett** said it can be hard to read the name on the signature. She deferred to **Lisa Thompson, Notary Compliance, Secretary of State**, who stated that title companies and the Clerks and Recorders asked for this bill because sometimes the notary won't imprint the seal heavily enough to read, or it's stamped over other writing, or they forget to put it on. *{Tape: 1; Side: A; Approx. Time Counter: 18.8 - 23.9}*

**Closing by Sponsor:**

**REP. SMITH** thanked the committee for a good hearing and good questions, and said this was an easy bill.

*{Tape: 1; Side: A; Approx. Time Counter: 23.9 - 24.4}*

**HEARING ON HB 108****Opening Statement by Sponsor:**

**REP. ALAN OLSON, HD 8, Roundup**, said that this bill will put the law back the way it was before I-125 was declared unconstitutional. It will allow corporate contributions as before. He gave an exhibit.

**EXHIBIT**(sth08a01).

*{Tape: 1; Side: A; Approx. Time Counter: 24.4 - 27}*

**Proponents' Testimony:**

**Webb Brown, Montana Chamber of Commerce**, voiced support for the bill.

**Patrick Judge, Montana Environmental Information Center**, said that he was chair of Montana Public Information Research Group. MontPIRG promoted I-125, but now he is in favor of this bill because he respects the separation of powers, and will honor the judiciary's decision that I-125 is unconstitutional.

*{Tape: 1; Side: A; Approx. Time Counter: 27 - 28}*

**Opponents' Testimony:** None

**Informational Testimony:**

**Linda Vaughey, Commissioner of Political Practices** said her Legal Counsel is present to answer questions.

***{Tape: 1; Side: A; Approx. Time Counter: 28 - 29}***

**Questions from Committee Members and Responses:**

**REP. SUE DICKENSON** asked the sponsor if it was traditional practice to remove from the books a law declared unconstitutional. The sponsor deferred to **Jim Scheier, Attorney for the Attorney General's office**, who replied that its puts consistency in the law to remove obsolete or unenforceable statutes. **REP. CINDY YOUNKIN** asked if Pacific Power and Light (PPL-MT) could have expended money opposing this bill. **Mr. Scheier** said that corporations could spend for or against a bill. **REP. YOUNKIN** asked if they wouldn't have to form a political action group - PAC? **Mr. Scheier** said they could but they don't have to form a PAC to contribute now. **REP. CAROL GIBSON** inquired if they could anyway. **Mr. Scheier** said once the statute was declared unconstitutional, corporations could then spend directly from their own treasury. **REP. PAT WAGMAN** asked if the U.S. Supreme Court turned the I-125 appeal down. **REP. OLSON** replied that they refused to hear it. **REP. GIBSON** asked whether, if this bill is passed, another initiative similar to I-125 could get on the ballot. **REP. OLSON** said that the field's open.

***{Tape: 1; Side: A; Approx. Time Counter: 29 - 35}***

**Closing by Sponsor:**

**REP. ALAN OLSON** closed by saying this bill cleans an unenforceable statute off the books. He urged DO PASS.

***{Tape: 1; Side: A; Approx. Time Counter: 35 - 36}***

**EXECUTIVE ACTION ON HB 69**

**Motion:** REP. WAGMAN moved HB 69 DO PASS.

**Discussion:** REP. ALAN OLSON asked if it would be better to have language that reads "town, city, or post office?" in this bill.

**Legislative Aide Sherri Heffelfinger** expressed they need to see if town or city is defined in MCA. REP. OLSON said he won't hold up the bill on this question. Question was called.

**Vote:** The motion carried 19-0 with REPS. ROBERTS, SCHRUMPF, JENT AND WINDY BOY voting by proxy.

*{Tape: 1; Side: A; Approx. Time Counter: 36.2 - 40}*

**EXECUTIVE ACTION ON HB 108**

**Motion:** REP. ALAN OLSON moved DO PASS HB 108.

**Discussion:** REP. DICKENSON said if other "dead" or unenforceable legislation comes, they ought to remove it and that people's perceptions were important.

**Vote:** On a voice vote, the motion carried 19-0 with REPS. ROBERTS, SCHRUMPF, JENT and WINDY BOY voting by proxy.

*{Tape: 1; Side: A; Approx. Time Counter: 42.8 - 44.9}*

**ADJOURNMENT**

Adjournment: 8:45 A.M.

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REP. DEBBY BARRETT, Chairman

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JOAN REIMAN, Secretary

DB/JR

**EXHIBIT (sth08aad)**